

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)

v.)

) M.B.D. Case No. 17-mc-91215

**THOMAS W. NEE,
Defendant)**

**JOINT MOTION FOR ENDS-OF-JUSTICE CONTINUANCE
OF TIME FOR FILING AN INDICTMENT OR INFORMATION,
AND EXCLUSION OF TIME,
UNDER THE SPEEDY TRIAL ACT**

The United States of America and the defendant, through undersigned counsel, respectfully move this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from July 14, 2017, through and including August 17, 2017, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The parties further ask this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, the parties state as follows:

1. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter (which was initiated by a criminal complaint in *United States v. Thomas W. Nee*, No. 17-MJ-7139-JCB) that might result in a plea and cooperation agreement and obviate the need for an indictment.

2. The requested exclusion of time will permit defense counsel to adequately confer with the defendant, and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit and would assist the government's ongoing investigation.

3. The parties agree that, if the requested time is excluded, the government has until August 17, 2017, to return an indictment in this case. No previous extensions have been requested.

4. The defendant is being held in state custody. When he is released from state custody, he will be entitled to a detention hearing in the federal matter as to which he has been charged by complaint, pursuant to a *United States v. King* order entered by Chief Magistrate Judge Boal on June 14, 2017.

5. A proposed order is attached.

Respectfully submitted,

THOMAS W. NEE
By his attorney,

WILLIAM D. WEINREB
Acting United States Attorney

/s/ Stellio Sinnis
STELLIO SINNIS
Assistant Federal Public Defender
Federal Public Defender's Office

By: /s/ Christine J. Wichers
CHRISTINE J. WICHERS
Assistant U.S. Attorney

Certificate of Service

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, on June 22, 2017.

By: /s/ Christine J. Wichers
CHRISTINE J. WICHERS
Assistant U.S. Attorney